IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTY FIRST DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 6800 of 2005

Between:

N. Guravaiah S/o. Rama Swamy
R/o. Narrawada Village, Duttalauru Mandal, Nellore District.

..... PETITIONER

AND

1 The Regional Joint Commissioner, of Endowments, Multi Zone-II, Tirupati, Chittoor District.
2 The Deputy Commissioner of Endowments, Guntur, Guntur District.
3 The Executive Officer, Sri Vengamamba Perantalu Temple, Narrawada Vilage, Duttaluru Mandal, Nellore District.
4 Sri T. Vengaiah S/o. Vengaiah, R/o. Narrawada Village, Duttaluru Mandal, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the orders dt. 5-2-2005 as extended passed in IA No. 2/2005 in RP No. 4/2005 by the 1st Respondent and its continuing proceedings as illegal, contrary to law, arbitrary and without jurisdiction and to pass such other and further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.VENKATESWARLU POSANI

Counsel for the Respondents 1 & 2: GP FOR ENDOWMENTS

Counsel for the Respondent No.3: Smt. N. Indrani

Counsel for the Respondent No. 4: Mr. M. Vidyasagar

The Court at the stage of admission made the following :

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THE HON'BLE SRI JUSTICE D.S.R. VARMA

WRIT PETITION NO. 6800 OF 2005

ORAL ORDER:

Heard both sides. Perused the material placed before me.

Admittedly, after conducting an enquiry under Section 28 of the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short 'the Act'), by order dated 3.12.2003, the second respondent disqualified the fourth respondent as the Managing Trustee of the temple. It is brought to the notice of the Court that against the said order, the fourth respondent had already preferred a revision before the first respondent under Section 92 of the Act 30/87 and the same is pending.

When a revision, admittedly, is pending, it is not justifiable for the first respondent to suspend the orders passed against the fourth respondent disqualifying him as trustee, in view of the magnitude of the charges leveled against him and also in view of the fact that the fourth respondent was found guilty.

Unless and until the revisional authority exonerates the fourth respondent, he cannot be permitted to continue as a trustee. In other words, unless and until the order attaching stigma to the fourth respondent as guilty and order of removal as managing trustee is set aside, the fourth respondent cannot have the benefit of enjoying the office by way of obtaining an interlocutory order, which is under challenge in this writ petition.

For the foregoing, and in view of the fact that the revision petition filed by the fourth respondent, under Section 92 of the Act, is pending before the first respondent, the present writ petition need not and should not be continued.

Accordingly, without expressing any opinion on merits of the case, the writ petition is disposed of at the stage of admission. However, it is needless to say that the revision be proceeded with in accordance with law, as expeditiously as possible. No costs.

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kvsn 31-03-2005

To

1 The Regional Joint Commissioner, of Endowments, Multi Zone-II, Tirupati, Chittoor District.
2 The Deputy Commissioner of Endowments, Guntur, Guntur District.
3 The Executive Officer, Sri Vengamamba Perantalu Temple, Narrawada Vilage, Duttaluru Mandal, Nellore District.
4 Two CCs to GP for Endowments, High Court Buildings, Hyderabad.

5 Two CD copies.